

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: CHIU ET AL. :

APPLICATION NO.: : Examiner: Not Yet Assigned,
DIVISIONAL APPLICATION OF (Examiner B. Robinson for
09/718,324 09/718,324)

FILING DATE: HEREWITH : Group Art Unit:
Not Yet Assigned (1625 for
09/718,324)

TITLE: A PROCESS FOR PREPARING :
NAPHTHYRIDONES AND
INTERMEDIATES

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT AND
INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97 ET SEQ.**

Prior to examination of the present application on the merits and calculation of the filing fee, applicants request consideration and entry of the following amendments.

Please amend the above-identified application as follows.

IN THE CLAIMS

Please cancel claims 1-7 and 12.

IN THE SPECIFICATION

Please insert on the first page after the title --This is a division of application Ser. No. 09/718,324, filed November 22, 2000, which is a divisional of application Ser. No. 09/236,737, filed January 25, 1999, now U.S. Patent No. 6,184,380, which claimed the benefit of U.S. Provisional Application No. 60/071,601, filed January 16, 1998, all of which are hereby incorporated herein by reference.--.

Patent Application
Divisional of U.S. Serial No. 09/718,324
Attorney Docket No. PC9942C

The above amendments add no new matter to this application. Applicants respectfully request entry of this Preliminary Amendment prior to Examination of the present application.

REMARKS

The enclosed application is a 35 U.S.C. §1.53(b) divisional application of Ser. No. 09/718,324, filed November 22, 2000 ("the parent application"). The claims of the parent application 8-12 were subject to restriction in an April 24, 2001 Action from the USPTO. The Examiner in the parent application divided claims of the parent application into two groups: claims 8-11 (Group I) (classified in class 546 and subclass 183) and claim 12 (Group II) (classified in class 548 and subclass 452). Applicants elected in the parent application to have the claim of Group II examined while maintaining their right to file a patent application in the future to the none elected claims of Group I. The parent application is under final rejection in a Final Office Action issued on October 3, 2001. The shortened statutory period for reply to this Final Office Action expired on January 3, 2002. Applicants are filing concurrently in the parent application a Petition for a Two (2) Month Extension of Time. A copy of the Petition filed in the parent application is enclosed for the Examiner's information. Accordingly, the parent application Ser. No. 09/718,324, is currently pending. Thus, this divisional application filed herewith is co-pending with the parent application as required under 35 U.S.C. §1.53(b).

Applicants have submitted herewith pursuant to 35 U.S.C. §1.53(b) a copy of the Declaration from the grand parent application, Ser. No. 09/236,737 with a cover letter explaining that the copy of the Declaration is for the attached divisional application. Applicants have also, as suggested in M.P.E.P. §201.06(c), attached an adhesive label to the copy of the Declaration. The label indicates that the Declaration is intended for the enclosed divisional application submitted herewith.

Applicants have provided after the signed page of this response a section entitled **"VERSION WITH MARKINGS TO SHOW CHANGES MADE – DO NOT ENTER"** to show the changes made to the claims of the subject application as required under 37 C.F.R. §1.121. Applicants have inserted on the first page after the title the related U.S. application

information for the subject application. Applicants have cancelled claims 1-7 and 12 of the subject application. Applicants respectfully submit that the amendment to the specification and cancellation of claims 1-7 and 12 is not new matter. Upon entry of this Preliminary Amendment restricted claims 8-11 (Group I) of the parent application will be pending and subject to Examination.

INFORMATION DISCLOSURE STATEMENT

Applicants herein make available to the U.S. Patent and Trademark Office a copy of PTO-FB-A820, which lists references, cited by the applicants. Applicants have enclosed copies of references, which are listed on the PTO-FB-A820.

Applicants note that some of the references listed on the PTO-FB-A820 have counterpart applications, which applicants have also listed. For the convenience of the Examiner, applicants identify below the counterpart applications:

1. EP413455 and HU 211,681 are foreign counterpart applications of United States Patent No. 5,164,402;
2. HU P9402530 and WO 93/18001 are foreign counterpart applications of United States Patent No. 5,298,629; and
3. SU 1538897 is the Soviet Union counterpart of EP 230,274.

Applicants have also included a copy of a CAS/STN database (RN#155475-27-7) (1 page) which the Examiner in the parent case, U.S. Serial No. 09/236,737, cited. The CAS/STN database record identifies U.S. Patent No. 5,298,629 as the source of the CAS/STN database record. Applicants have listed U.S. Patent No. 5,298,629 in the enclosed PTO-FB-A820.

The Examiner is requested to consider carefully the complete text of these references in connection with the examination of the above-identified application in accord with 37 C.F.R. § 1.104(a). It is believed the Examiner will concur with applicants' belief that the subject matter presently claimed is neither anticipated nor rendered obvious by the foregoing references.

It is requested that the references listed on the attached form PTO-FB-A820 be included in the "References Cited" portion of any patent issuing from this application (M.P.E.P.

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§ 1302.12).

A prompt and favorable response is earnestly solicited.

Conclusion

Applicants' do not believe any fee is due in connection with this Preliminary Amendment and Information Disclosure Statement. If any fee is due, applicants' attorney authorizes the fee to be deducted from Deposit Account No. 16-1445.

If a telephone interview would facilitate the examination of this application, the Examiner is invited to call the undersigned at the number listed below.

Respectfully submitted,

Date:

March 4, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE – DO NOT ENTER

In the claims

Claims 1-7 and 12 have been have been cancelled.

In the Specification

The following sentence has been inserted on the first page after the title --This is a division of application Ser. No. 09/718,324, filed November 22, 2000, which is a divisional of application Ser. No. 09/236,737, filed January 25, 1999, now U.S. Patent No. 6,184,380, which claimed the benefit of U.S. Provisional Application No. 60/071,601, filed January 16, 1998, all of which are hereby incorporated herein by reference.--.